

**AMENDMENTS TO THE DRAWINGS:**

Figures 1, 10, 11, 12, 13, 14, and 15 have been amended to conform to U.S. practice. Marked copies of the Figures are enclosed, along with an entire set of replacement drawings.

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### REMARKS

The specification has been amended to correct minor clerical errors and to better conform to U.S. practice and to changes made in the drawings. The drawings have been amended to conform to U.S. practice. No new matter has been entered.

The finality of the restriction requirement is noted, and is again to be believed to be in error. As Applicants pointed out in Amendment A, the PCT Examiner examined all of the claims in a single search. Thus, the claims in fact do form a single general inventive concept under the PCT Rule 13.1. Notwithstanding, so as to be fully responsive, Applicants confirm their previous election of claims 1-5<sup>1</sup>, and request that non-elected claims 6-10 be maintained in this application, without further Action, for possible rejoinder and/or for filing of a divisional application.

Turning to the art rejections, independent claim 2 has been amended to incorporate the limitations of claim 3, which has been cancelled. It is submitted that claim 2, as amended, and claims 4 and 5 which depend directly or indirectly on claim 2 are patentably distinct from Hibino et al.

In the rejection, the Examiner, in discussing claim 3 takes the position that Hibino et al.'s shutter (94) meets Applicants' claim limitation of "a shutter that adjusts a degree of exposure of the gas - liquid separation film".

First of all, it is noted Figure 37 of Hibino et al. does not have a gas/liquid separation film. Thus, shutter (94) in Hibino et al. cannot function to "adjust a degree of exposure of the gas/liquid separation film" as required by Applicants' claim 2, as amended. Moreover, shutter (94) in Hibino et al. is provided for an entirely different purpose, namely, to permit reduction and retraction of stirrer 92 which, according to Hibino et al. is

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<sup>1</sup> Actually claims 2-5, since claim 1 was cancelled by Preliminary Amendment.

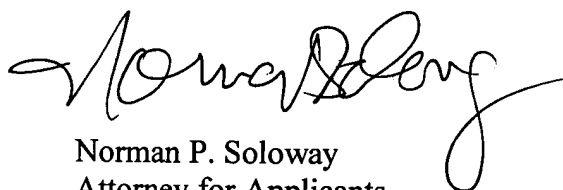
"normally located outside the mixer 34 and retracts into the mixer 34 when necessary to stir the contents of the mixer 34". In other words, in Hibino et al., shutter 94 is an access shutter that permits the introduction and withdrawal of a stirrer. This is structurally and fundamentally different from the shutter specified by claim 2, as amended. Thus, claim 2 cannot be said to be anticipated or for that matter obvious from Hibino et al.

Claims 4 and 5 depend directly or indirectly on claim 2 for the same reasons above adduced relative to claim 2, as well as for their own additional limitations.

Having dealt with all the objections and rejections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 6, 2008 at Tucson, Arizona.

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